

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DODO INTERNATIONAL INC, *et al.*,

Plaintiffs,

v.

RICHARD PARKER, *et al.*,

Defendants.

CASE NO. C20-1116-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court *sua sponte*. Plaintiffs filed this action in July 2020. (Dkt. No. 1). In October of that year, the Court denied their motions to serve various Defendants by means other than personal service. (Dkt. No. 21.) In February 2021, the Court granted Plaintiffs' motion to serve defendant Eugene Elfrank by mail under Washington Superior Court Civil Rule 4(d)(4) but denied that request as to Richard Parker, Samuel Adams, and Cypress Creek ventures, among others. (Dkt. No. 44.) With respect to Adams and Cypress Creek, the Court denied Plaintiffs' motion because Plaintiffs failed to show they had been unable to make service after "reasonable diligence." (*Id.* at 2–4.) As for Parker, Plaintiffs had not shown that Washington law, or the law of the place where service is made, would permit service by mail. (*Id.* at 5.)

1 In July 2021, the Court denied Plaintiffs' motion to serve Samuel Adams and Cypress
2 Creek by publication, reasoning that Plaintiffs' attempt to serve them at a UPS store in
3 September 2020 and a later attempt to serve Adams in Redmond, Washington, in April 2021
4 were insufficient to show that these parties could not be served through reasonable diligence or
5 were evading service. (Dkt. No. 68 at 3–4.)

6 Plaintiff apparently served Eugene Elfrank by mail and personally served Gratzuela
7 Crisovan in April 2021. (Dkt. Nos. 57–58.) However, Plaintiff has never filed proof of service on
8 Defendants Richard Parker, Alternative Resource Inc., Samuel Adams, Cypress Creek Ventures
9 LLC, Paul Donion, or the Law Office of Paul M. Donion LLC.¹

10 The 90-day deadline to serve process under Federal Rule of Civil Procedure 4(m) has
11 passed several times over, and it has also been more than 90 days since the Court's July 2021
12 order denying Plaintiffs' most recent motion for alternative service. (*See* Dkt. No. 68.)

13 Accordingly it is hereby ORDERED that within 14 days of this order, Plaintiff must
14 show good cause why this action should not be dismissed for failure to prosecute as to Richard
15 Parker, Alternative Resource Inc., Samuel Adams, and Cypress Creek Ventures LLC.

16 DATED this 22nd day of October 2021.

17 Ravi Subramanian
Clerk of Court

18 s/Sandra Rawski
19 Deputy Clerk

20
21
22
23
24
25 ¹ The Donion Defendants have appeared purporting to reserve their ability to challenge service
26 and the sufficiency of process, among other things, (Dkt. No. 18), although they have not raised
either defense in their first Rule 12 motion. (*See* Dkt. No. 45).